

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CAROLYN BELL,

Plaintiff,

Case No. 14-cv-13390

v

Honorable Thomas L. Ludington
Magistrate Judge Anthony P. Patti

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT, AND AFFIRMING ALJ'S
DETERMINATION**

On September 2, 2014, Plaintiff Carolyn Bell filed a complaint challenging the Administrative Law Judge's denial of her claim for Social Security benefits. Bell claims she is disabled from working due to her asymptomatic HIV, hepatitis C, depression, and antisocial personality disorder.

On December 20, 2014, Bell filed a motion for summary judgment seeking reversal of the ALJ's decision denying her claim. Defendant Commissioner filed its response/motion for summary judgment seeking affirmance of the ALJ's decision on February 25, 2015.

On June 24, 2015, United States Magistrate Judge Anthony P. Patti issued a report recommending that the ALJ's decision denying social security benefits be affirmed. The Magistrate Judge concluded that (1) substantial evidence in the record supported the ALJ's decision, (2) the ALJ accurately addressed Bell's physical mental limitations in the residual functional capacity finding, and (3) substantial evidence supported the ALJ's conclusions

regarding Bell's credibility. Accordingly, the Magistrate Judge recommended denying Bell's motion for summary judgment and granting the Commissioner's motion for summary judgment.

Although Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 18) is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment (ECF No. 17) is **GRANTED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment (ECF No. 14) is **DENIED**.

It is further **ORDERED** that the Administrative Law Judge's determination is **AFFIRMED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: July 28, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 28, 2015.

s/Karri Sandusky
Karri Sandusky, Acting Case Manager